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10/809,406	03/26/2004	Hajime Inada	119285	7562
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EXAMINER				
THOMPSON, JAMES A				
ART UNIT		PAPER NUMBER		
2625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
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Office Action Summary

Application No.

10/809,406

Applicant(s)

INADA, HAJIME

Examiner

James A. Thompson

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 January 2010 has been entered.

Response to Arguments

2. Applicant's arguments filed 19 January 2010 have been fully considered but they are not persuasive. Examiner agrees with Applicant that the amendments to the claims overcome the previously cited prior art. However, additional prior art has been discovered which fully teaches the amended claims.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 6, 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margalit (US-6,763,399) in view of Hull (US-7,375,835).

Regarding claim 1: Margalit discloses a data processing device (figure 1(10) of Margalit) having one or more functions (column 2, lines 37-44 of Margalit), the device comprising: a storing unit (figure 1(50-70) of Margalit) that stores various types of data (column 2, lines 40-43 of Margalit), the storing unit being capable of being recognized, as an external storage device, by an external personal computer (column 2, lines 56-64 of Margalit); a function implementing unit (figure 1(30) and column 3, lines 5-11 of Margalit); and an interface (figure 1(40) of Margalit) that: is structured to be connected to both the external personal computer (figure 1(20) and column 2, lines 56-59 of Margalit) and the function implementing unit (column 2, lines 56-63 of Margalit); interfaces the function implementing unit with the storing unit such that the function implementing unit can read and write the various types of data (column 3, lines 5-8 of Margalit); and when the external personal computer is connected to the interface, interfaces the external personal computer with the storing unit such that the external personal computer can read and write the various types of data (column 3, lines 8-14 of Margalit), wherein the function implementing unit reads the stored instruction data via the interface, and determines a process to implement one of the one or more functions corresponding to the read instruction data and executes the determined process (column 2, line 63 to column 3, line 11 of Margalit).

Margalit does not disclose expressly that, when the external personal computer is connected to the interface, the interface interfaces the external personal computer with the storing unit such that the external personal computer can read and write the various types of data *without being recognized by the function implementing unit*; and that the function implementing unit, after the instruction data is stored in the storing unit via the interface by the external personal computer without being recognized by the function implementing unit, automatically reads the stored instruction data via the interface.

Hull discloses that, when the external personal computer is connected to the interface, the interface interfaces the external personal computer with the storing unit such that the external personal computer can read and write the various types of data (column 18, lines 24-31 of Hull) without being recognized by the function implementing unit (column 18, lines 10-16 and lines 45-53 of Hull - *data sent and polled for without requiring recognition of the sending external personal computer connected via a network connection*); and that the function implementing unit, after the instruction data is stored in the storing unit via the interface by the external personal computer without being recognized by the function implementing unit, automatically reads the stored instruction data via the interface (column 18, lines 24-31 and lines 45-53 of Hull).

Margalit and Hull are analogous art because they are from the same field of endeavor, namely digital image input data

interface and processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to communicated the data and instructions for processing directly to memory, which is then routinely polled, rather than processing through the CPU. The motivation for doing so would have been to more efficiently process the print data by dedicating the processor to printing the received data, rather than also dealing with data reception and storage. Therefore, it would have been obvious to combine Hull with Margalit to obtain the invention as specified in claim 1.

Regarding claim 6: Margalit discloses expressly that when notification instruction data for requesting a notification of settings related to one of the one or more functions is stored in the storing unit, the function implementing unit stores content notification data in the storing unit indicating settings related to a function for which the notification instruction data requests notification (column 2, line 66 to column 3, line 3 of Margalit - *user data is stored along with the necessary protocol information, thus storing the needed notification data that indicates the settings related to the requested user data storage functions*).

Regarding claim 7: Margalit discloses that when the modification instruction data for requesting an update of settings related to one of the one or more functions is stored in the storing unit, the function implementing unit updates settings for a function instructed to be updated by the modification

instruction data (column 2, line 66 to column 3, line 3 of Margalit - latest version of user data is stored along with the necessary protocol information, thus storing the needed notification data that indicates the settings related to the requested user data storage functions).

Regarding claim 19: Margalit discloses that the storing unit includes a random access memory (figure 1(60) and column 3, lines 7-11 of Margalit).

5. Claims 2, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margalit (US-6,763,399) in view of Hull (US-7,375,835) and Yoneta (US-6,359,699 B1).

Regarding claim 2: Margalit in view of Hull does not disclose expressly an instruction data deletion commanding unit that deletes the instruction data from the storing unit after the function implementing unit implements a function indicated by the instruction data.

Yoneta discloses an instruction data deletion commanding unit that deletes the instruction data from the storing unit after the function implementing unit implements a function indicated by the instruction data (figure 8(S8-15) and column 8, lines 20-25 of Yoneta).

Margalit in view of Hull is combinable with Yoneta because they are from similar problem solving areas, namely how to best manage information used in executing various processes, wherein said information is stored in separate memory devices. At the

time of the invention, it would have been obvious to a person of ordinary skill in the art to optionally delete instruction data after the instruction data is used to implement particular functions, as taught by Yoneta. The motivation for doing so would have been to keep certain information secure by allowing the information to be used only when specifically needed. A further motivation for doing so would have been to allow an end user to use the information only to the extent that the end user has paid for access to the information. Therefore, it would have been obvious to combine Yoneta with Margalit in view of Hull to obtain the invention as specified in claim 2.

Regarding claim 17: Margalit discloses expressly that when notification instruction data for requesting a notification of settings related to one of the one or more functions is stored in the storing unit, the function implementing unit stores content notification data in the storing unit indicating settings related to a function for which the notification instruction data requests notification (column 2, line 66 to column 3, line 3 of Margalit - *user data is stored along with the necessary protocol information, thus storing the needed notification data that indicates the settings related to the requested user data storage functions*).

Regarding claim 18: Margalit discloses that when the modification instruction data for requesting an update of settings related to one of the one or more functions is stored in the storing unit, the function implementing unit updates settings

for a function instructed to be updated by the modification instruction data (column 2, line 66 to column 3, line 3 of Margalit - latest version of user data is stored along with the necessary protocol information, thus storing the needed notification data that indicates the settings related to the requested user data storage functions).

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margalit (US-6,763,399) in view of Hull (US-7,375,835) and Murata (US-6,111,659).

Regarding claim 3: Margalit in view of Hull does not disclose expressly a reading unit that implements a scanner function to read a prescribed image as image data, wherein the function implementing unit instructs the reading unit to read an image as image data when read instruction data for instructing that an image be read using the scanner function is stored in the storing unit.

Murata discloses a reading unit that implements a scanner function to read a prescribed image as image data, wherein the function implementing unit instructs the reading unit to read an image as image data when read instruction data for instructing that an image be read using the scanner function is stored in the storing unit (column 6, lines 54-58 of Murata).

Margalit in view of Hull is combinable with Murata because they are from the same field of endeavor, namely data acquisition and storage between separate devices connected through an

interface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the general USB key device taught by Margalit in the specific context of the digital image scanner taught by Murata. The suggestion for doing so would have been that both devices are data acquisition devices with their own internal processors which operate under the control of external computer instructions delivered over an interface. The specific implementation in a scanner environment is simply one of the many possible ways the USB key technology taught by Margalit can be applied. Therefore, it would have been obvious to combine Murata with Margalit in view of Hull to obtain the invention as specified in claim 3.

Further regarding claim 4: Murata discloses that the function implementing unit instructs the reading unit to read the image and produce the image data representing the image and thereafter stores the image data read by the reading unit in the storing unit (column 6, lines 54-58 of Murata).

Regarding claim 5: Margalit in view of Hull does not disclose expressly a printing unit that implements a printer function to print an image on a printing medium based on image data, wherein the function implementing unit instructs the printing unit to print an image based on the image data when print instruction data indicating that an image be printed with the printer function and the image data are stored in the storing unit.

Murata discloses a printing unit that implements a printer function to print an image on a printing medium based on image data, wherein the function implementing unit instructs the printing unit to print an image based on the image data when print instruction data indicating that an image be printed with the printer function and the image data are stored in the storing unit (column 6, lines 40-46 of Murata).

Margalit in view of Hull is combinable with Murata because they are from the same field of endeavor, namely data acquisition and storage between separate devices connected through an interface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the general USB key device taught by Margalit in the specific context of the digital image data acquisition and printing taught by Murata. The suggestion for doing so would have been that both devices are data acquisition devices with their own internal processors which operate under the control of external computer instructions delivered over an interface. The specific implementation in a scanning and printing environment is simply one of the many possible ways the USB key technology taught by Margalit can be applied. Therefore, it would have been obvious to combine Murata with Margalit in view of Hull to obtain the invention as specified in claim 5.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margalit (US-6,763,399) in view of Hull

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(US-7,375,835), Yoneta (US-6,359,699 B1), and Murata (US-6,111,659).

Regarding claim 15: Margalit in view of Hull and Yoneta does not disclose expressly a reading unit that implements a scanner function to read a prescribed image as image data, wherein the function implementing unit instructs the reading unit to read an image as image data when read instruction data for instructing that an image be read using the scanner function is stored in the storing unit.

Murata discloses a reading unit that implements a scanner function to read a prescribed image as image data, wherein the function implementing unit instructs the reading unit to read an image as image data when read instruction data for instructing that an image be read using the scanner function is stored in the storing unit (column 6, lines 54-58 of Murata).

Margalit in view of Hull and Yoneta is combinable with Murata because they are from the same field of endeavor, namely data acquisition and storage between separate devices connected through an interface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the general USB key device taught by Margalit in the specific context of the digital image scanner taught by Murata. The suggestion for doing so would have been that both devices are data acquisition devices with their own internal processors which operate under the control of external computer instructions delivered over an interface. The specific implementation in a

scanner environment is simply one of the many possible ways the USB key technology taught by Margalit can be applied. Therefore, it would have been obvious to combine Murata with Margalit in view of Hull and Yoneta to obtain the invention as specified in claim 15.

Regarding claim 16: Margalit in view of Hull and Yoneta does not disclose expressly a printing unit that implements a printer function to print an image on a printing medium based on image data, wherein the function implementing unit instructs the printing unit to print an image based on the image data when print instruction data indicating that an image be printed with the printer function and the image data are stored in the storing unit.

Murata discloses a printing unit that implements a printer function to print an image on a printing medium based on image data, wherein the function implementing unit instructs the printing unit to print an image based on the image data when print instruction data indicating that an image be printed with the printer function and the image data are stored in the storing unit (column 6, lines 40-46 of Murata).

Margalit in view of Hull and Yoneta is combinable with Murata because they are from the same field of endeavor, namely data acquisition and storage between separate devices connected through an interface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the general USB key device taught by Margalit in the specific

context of the digital image data acquisition and printing taught by Murata. The suggestion for doing so would have been that both devices are data acquisition devices with their own internal processors which operate under the control of external computer instructions delivered over an interface. The specific implementation in a scanning and printing environment is simply one of the many possible ways the USB key technology taught by Margalit can be applied. Therefore, it would have been obvious to combine Murata with Margalit in view of Hull and Yoneta to obtain the invention as specified in claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is (571)272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A Thompson/
Primary Examiner
Art Unit 2625

18 February 2010